

**AN ORDINANCE
BY ZONING COMMITTEE**

**11-0-0095
Z-10-38**

AN ORDINANCE TO AMEND THE 1982 CITY OF ATLANTA ZONING ORDINANCE, AS AMENDED, SO AS TO ALLOW ASSISTED LIVING FACILITIES, AS DEFINED IN SECTION 16-29.001(16)(b) AS A USE WITHIN THE PLANNED DEVELOPMENT-HOUSING (PD-H) AND PLANNED DEVELOPMENT-MIXED USE (PD-MU) ZONING DISTRICTS, SUBJECT TO APPROVAL OF A SPECIAL USE PERMIT; AND FOR OTHER PURPOSES.

WHEREAS, the market has seen an increased demand for assisted living facilities for Atlanta's aging population; and

WHEREAS, there is a benefit to the inclusion of assisted living facilities as a component of larger residential communities; and

WHEREAS, assisted living facilities are allowed by approval of a Special Use Permit in the RG, R-LC, O-I, C-1, C-2, C-3, C-4, C-5 MR and LW zoning districts; and

WHEREAS, the foregoing highlights the need to expand the zoning districts in which assisted living facilities are allowed by Special Use Permit to include the PD-H and PD-MU districts.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
AS FOLLOWS:**

Section 1: That the Atlanta Zoning Ordinance be amended by creating a Section 16-19A.004(1) within the Planned Development-Housing (PD-H) zoning district text regulations, entitled "Special Permits", and which shall read as follows:

Section 16-19A.004(1) - Special Permits

The following use is permissible only by Special Use Permit, subject to the limitations and requirement set forth herein or elsewhere in this part:

- (a) Assisted Living Facility, as defined in Section 16-29.001(16)(b) where part of a PD-H district approved for greater than 500,000 gross floor area with a multi-unit building greater than 500,000 square feet; the assisted living facility shall be less than 10 per cent of the gross floor area of the overall PD-H and shall be less than 15% of any building within the PD-H development in which it is proposed to be located.

Section 2. That the Atlanta Zoning Ordinance be amended by creating a Section 16-19B.004(1) within the Planned Development-Mixed Use (PD-MU) zoning district text regulations, entitled “Special Permits”, and which shall read as follows:

Section 16-19B.004 (1) - Special Permits

The following use is permissible only by Special Use Permit, subject to the limitations and requirement set forth herein or elsewhere in this part:

- (a) Assisted Living Facility, as defined in Section 16-29.001(16)(b) where part of a PD-MU district approved for greater than 500,000 gross floor area with a multi-unit building greater than 500,000 square feet; the assisted living facility shall be less than 10 per cent of the gross floor area of the overall PD-MU and shall be less than 15 per cent of any building within the PD-MU development in which it is proposed to be located.

Section 3. That all ordinances or parts thereof in conflict are waived to the extent of the conflict.